

Attorney's Docket No.: 06816-073003

Remarks

Reconsideration and allowance of the above referenced application are respectfully requested.

Claims 3-16 stand rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. The suggested change to claim 3 has been made. The pretreatment described page 8 for example lines 5-25 is not limited to water. It is believed that this change should obviate the rejection.

Claims 3-16 stand alternatively rejected under 35 USC 112, first paragraph, based on as the specification allegedly not providing enablement for agents other than water. The pretreatment described on page 8 describes using water, and a water alcohol mixture (page 8 lines 11-12) and also describes that "methanol and other aliphatic alcohols can also be used instead of isopropanol" see page 8 lines 17-18. Therefore, with all due respect, the rejection is respectfully traversed.

To the extent that this is obviated by the change to "pre treating agent", moreover, then the rejection has been mooted.

Claims 3, 8, 9, 14-17 and 20 stand rejected under 35 USC 103 as allegedly being unpatentable over Harada in view of Prakash and Narayanan. This contention is respectfully traversed, and for reasons set forth herein, it is respectfully

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suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability. Claim 3 requires forming the membrane electrode assembly using a solid electrolyte membrane, and pretreating that membrane with a pretreating agent that reduces wrinkling of the membrane when catalyst is applied. The rejection relies on a hypothetical combination of Harada which shows forming a membrane assembly, along with Prakash which teaches swelling the membrane (column 12 lines 33-35,) and Narayanan which teaches soaking the membrane in water or in a mixture of isopropanol and water for a soaking time, prior to transferring a decal of catalyst. Importantly, none of these references, even if combined, teach or suggest the claimed subject matter that the pretreating agent "reduces wrinkling of the membrane when catalyst is applied". None of these references teach or suggest anything about reducing wrinkling.

Prakash admittedly teaches swelling the membrane. It teaches nothing about doing this to reduce wrinkling. A person having ordinary skill in the art is left to contemplate why one might swell the membrane, but in any case there is no guidance to reduce wrinkling as defined by claim 3.

Narayanan is a very different kind of system than claim 3, since it requires that a decal of catalyst be formed and transferred. There is no teaching or suggestion of wrinkling,

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or prevention of wrinkling. Moreover, the concepts described in Narayanan, requiring a decal, are very different than those of the present system.

Therefore, claim 3 should be allowable along with the claims that depend therefrom.

Claims 3, 14, 15 and 17-20 stand rejected under 35 USC 103 as allegedly being obvious over Debe in view of Prakash and Narayanan. Debe does teach formation of a membrane electrode assembly, but the deficiencies of Prakash and Narayanan as secondary references has been extensively discussed above. Prakash and Narayanan do not, in combination, teach or suggest this subject matter.

Claims 4-7 and 10-13 stand rejected over Debe in view of Prakash and Narayanan in view of Grot. The rejection alleges that Grot shows that catalysts can be applied by different ways, including pouring. While Grot does teach pouring, it does not teach or suggest "a viscosity adjusted for pouring" as defined by claims 6 and 7. Instead, apparently, Grot does not adjust the viscosity of his ink for all its different compositions. Therefore, these claims should be additionally allowable. Similarly, claim 12 and 13 require "a viscosity adjusted for spraying" and Grot teaches nothing about varying the viscosity for this purpose.

Claim 17 should be allowable for similar reasons to those

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discussed above with respect to claim 3. None of the cited prior art, no matter how combined, teaches or suggests pretreating to reduce wrinkling, as claimed. Therefore, claims 17 should be allowable along with the claims that depend therefrom.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

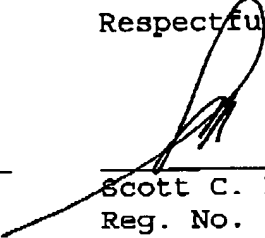
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Applicants believe no fee is due, however, please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

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